

John E. MacDonald (Pa. Bar No. 82828)
jmacdonald@constangy.com
CONSTANGY, BROOKS, SMITH &
PROPHETE, LLP
989 Lenox Drive
Suite 206 (2nd Floor)
Lawrenceville, New Jersey 08648
Telephone: (609) 454-0096
Facsimile: (609) 844-1102

Steven B. Katz (admitted *pro hac vice*)
skatz@constangy.com
CONSTANGY, BROOKS, SMITH &
PROPHETE, LLP
2029 Century Park East, Suite 1100
Los Angeles, California 90067
Telephone: (310) 909-7775
Facsimile: (424) 465-6630

Donald S. Prophete (admitted *pro hac vice*)
dprophete@constangy.com
CONSTANGY, BROOKS, SMITH &
PROPHETE, LLP
2600 Grand Boulevard, Suite 750
Kansas City, Missouri 64108-4600
Telephone: (816) 472-6400
Facsimile: (816) 472-6401

Counsel for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RALPH "TREY" JOHNSON, *et al.*,
individually and on behalf of all
persons similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, a/k/a the
NCAA, *et al.*,

Defendants.

Civil Action No. 2:19-cv-05230-JP

CORRECTED NOTICE OF MOTION
AND MOTION OF THE ATTENDED
SCHOOLS TO CERTIFY
INTERLOCUTORY APPEAL OF
RULING DENYING THEIR MOTION
TO DISMISS (ECF 55-56)

Pursuant to Fed. R. Civ. Proc. 59(d)(6) and 28 U.S.C. § 1292(b), defendants Cornell University, Fordham University, Lafayette College, Sacred Heart University and Villanova University hereby respectfully move this Court to amend its memorandum and order denying their Motion to Dismiss the First Amended Complaint (ECF 55-56) to certify an interlocutory appeal, for the reasons set forth in the accompanying memorandum in support of this motion.

This Motion is filed after a conference of counsel to discuss stipulation to relief. Plaintiffs intend to oppose this motion.

Pursuant to E.D. Pa. Local R. Civ. Proc. 7.1(f), defendants request oral argument on this motion.

Dated: September 29, 2021

Respectfully submitted

s/ Steven B. Katz.

John E. MacDonald
CONSTANGY, BROOKS, SMITH &
PROPHETE, LLP
989 Lenox Drive
Suite 206 (2nd Floor)
Lawrenceville, New Jersey 08648
Telephone: (609) 454-0096
Facsimile: (609) 844-1102

Donald S. Prophete (admitted *pro hac vice*)
CONSTANGY, BROOKS, SMITH &
PROPHETE, LLP
2600 Grand Boulevard, Suite 750
Kansas City, Missouri 64108-4600
Telephone: (816) 472-6400
Facsimile: (816) 472-6401

Steven B. Katz (admitted *pro hac vice*)
CONSTANGY, BROOKS, SMITH &
PROPHETE, LLP
2029 Century Park East, Suite 1100
Los Angeles, California 90067
Telephone: (310) 909-7775
Facsimile: (424) 465-6630

Counsel for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2021, the foregoing document was served on counsel by filing via the CM/ECF system, which will send an email notice to registered parties.

s/ Steven B. Katz.

Steven B. Katz
CONSTANGY, BROOKS, SMITH &
PROPHETE, LLP